

REMARKS

Applicant respectfully requests reconsideration. Claims 13-29 were previously pending in this application. Claims 13 and 14 have been amended to recite the limitations of claims 15 and 16, including that the recited expression vector comprises a promoter or promoters flanking the DNA sequence. Claims 13 and 14 also have been amended to provide an active step for the down-regulation of expression. Claim 14 also has been amended for clarity by removing the phrase “capable of expressing” and replacing it with the word “expresses”. Support for these amendments is found in the application and claims as filed. Claims 17-19 and 21 have been amended to make each dependent on claims 13 and 14, due to the cancelation of claim 16

Claims 15, 16, 23, 24, 28 and 29 have been canceled.

New claims 54-56 have been added. Support for the new claims can be found in the specification and claims as follows. Claim 54 finds support in the claims as filed. Claim 55 finds support in the recitation of tissue specific promoters at page 5, lines 6-8 and page 29, lines 14-15 of the specification. Claim 56 finds support in the recitation of yeast as a micro-organism at page 3, lines 13-14 of the specification.

As a result, claims 13, 14, 17-22, 25-27 and 54-56 are pending for examination. No new matter has been added.

Applicant appreciates the courtesy extended by the Examiner and his supervisor in granting an interview on October 22, 2007.

Rejection Under 35 U.S.C. § 102

The Examiner maintained the rejection of claims 13-29 under 35 U.S.C. § 102(a) as being anticipated by Timmons and Fire (East Coast Worm Meeting abstract of May 12, 1998;

“Timmons”) as evidenced by Fire et al. (Nature 391:806, 1998 cited in abstract and of record). Applicant has amended the claims and respectfully requests reconsideration.

There is nothing in the Timmons and Fire abstract that describes the claimed method, including that the recited expression vector comprises a promoter or promoters flanking the DNA sequence. As a result, the Timmons and Fire abstract does not teach each and every element of the claimed invention, and therefore does not anticipate the claimed invention.

Moreover, Applicant asserts that there is no nexus between what is disclosed in the Timmons and Fire abstract and the Fire et al. article. There is nothing in either the Timmons and Fire abstract or the Fire et al. article to suggest that the methods and materials used in the abstract are the same as those described in the article.

Therefore, the Timmons and Fire abstract does not anticipate the claimed invention. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 13-29 under 35 U.S.C. § 102(a).

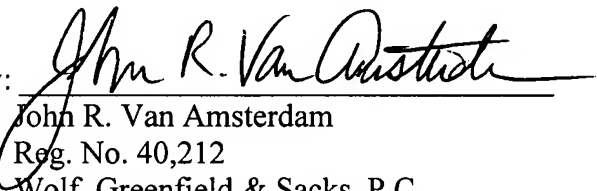
CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Plaetinck, et al, Applicant

By:



John R. Van Amsterdam
Reg. No. 40,212
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone (617) 646-8000

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